

LFC Requester:

Marty Daly

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original ☐ **Amendment** ☒
Correction ☐ **Substitute** ☐

Date 2/15/16

Bill No: HB 29

Sponsor: Nate Gentry, Carl Trujillo

Agency Code: 305

Short Allow Local Government

Person Writing Ari Biernoff

Title: Curfew Ordinances

Phone: 827-6086

Email abiernoff@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

The Senate Public Affairs Committee (SPAC) amendment (adopted Feb. 11, 2016) narrows the scope of HB 29. The original bill would have permitted the governing body of a county or municipality to adopt a curfew ordinance regulating the actions of children during daytime hours on school days. The SPAC Amendment removes that provision, but maintains HB 29's provision permitting counties and municipalities to impose curfews on children between midnight and 5:00 a.m. The SPAC Amendment also requires that any curfew ordinance exempt homeless children who are at their permanent or temporary place of abode.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

To be consistent with Section 1 of HB 29, Section 2 needs to add language in (A) and (A) (5) allowing a law enforcement officer *or other employee designated by a county or municipality to enforce a curfew ordinance* to place a child in protective custody if the child is in violation of a curfew ordinance and the law enforcement officer or other employee is unable to contact the child's parent, guardian, or custodian *within a six-hour period*.

Commas should be added to Section 1(C)(6) and 1(C)(7) – i.e. “a child attending[,], going to or

returning home from a school-sponsored function” and “a child at work[,] going to work or returning home from work.”

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A